

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed September 2, 2004. Claims 1-24 remain pending in this application. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-24 stand rejected as obvious over U.S. Publication No. 2002/0152237 ("Cohen") in view of U.S. Patent No. 5,991,735 ("Gerace"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a prima facie case of obviousness. M.P.E.P. 2142; Ex parte Blanc, 13 U.S.P.Q.2d 1383 (Bd. Pat Application. & Inter. 1989). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Inter. 1986).

The Applicant respectfully points out that the Examiner has failed to establish a prima facie case of obviousness. More specifically, the Examiner has not shown that each of the claim limitations is present in the references.

Independent Claims 1, 8, 13 and 20

Claim 1 recites a method for "tracking movement between network addresses comprising: receiving a first frame identifier and a first network address at a first time; finding a record including the first frame identifier, a second network address, and a second time, wherein the second time precedes the first time; and generating an entry for a table that includes the first frame identifier, the first network address, the second network address, and a third time." Claims 8, 13 and 20 recite similar limitations.

Thus, the method described by Claim 1 can be used to track a user's movements between network addresses with more specificity by allowing the determination of the

origination of a request for a network address to be refined to the level of granularity of a frame as opposed to just a page. A first network address may be requested from a first frame. This first frame may have an identifier associated with it. A table may be searched to locate records associated with the identifier of the first frame. A new entry in the table can then be created which may include the first frame identifier, the network address for that same identifier and temporal information. In this manner, a table is created that includes current and prior network addresses to more accurately track the movement of the user from one network address to another network address for a specific frame identifier. The data collected in this table may allow a node diagram to be created which represents a more accurate determination of the movement of a user between network addresses from specific frames.

The Examiner states that Cohen fails to teach receiving a first frame identifier and a first network address at a first time, however, "Gerace discloses receiving a first frame identifier and a first network address at a first time by teaching the program 31." Applicant respectfully disagrees with this assessment.

After reviewing the sections of Gerace, Applicant cannot find where Gerace refers to a frame identifier. Instead, the program 31 of Gerace generates an initial screen view (commonly known as a "Home Page") and records a user's selection and viewing activity with respect to agate information on the page, such as stock market data, weather, sports, etc. By recording, user responses and physical activity with respect to screen views during display of said screen views, a psychographic profile of a user can be created and used in the future to generate appropriate screen views to the user based on the created psychographic profile. (See Col. 3 Lines 35-40)

To obtain user responses and selections, program 31 of Gerace includes a User Action History Object that stores mouse clicks and corresponding cursor positions to effectively record the user's motions/movements in a session, and a User Viewing History Object that stores information indicative of screen views displayed to a user during a session. This User Action History Object records item identification as either agate or advertisement, and orientation of an item relative to the page/screen view. (See Col. 7, Lines 15-25, 29-34) The elements of program 31, record a users interaction from the screen view (used synonymously with page) level. For example, when a user selects a banner, program 31 would list a user as the requester and the current screen view as the page from which he made the request (See Col. 14, Lines 55-60). The User Viewing History Object records open and leave times for the first screen view (Col. 16, Lines 9-10) etc. As the program of Gerace records a user's actions with respect to a screen view or page, and not individual frames within a page, Gerace does not

disclose receiving a first frame identifier and a first network address at a first time as asserted by the Examiner.

Accordingly, withdrawal of the rejection of Claim 1 is respectfully requested. Additionally, as Claims 8, 13 and 20 contain limitations similar to Claim 1, Applicant respectfully requests the withdrawal of the rejection of these claims as well.

Dependent Claims 2-7, 9-12, 14-19 and 21-24

As Claims 2-7, 9-12, 14-19 and 21-24 are further limitations on patentable claims, Applicant respectfully submits that Claims 2-7, 9-12, 14-19 and 21-24 are patentable as well. Consequently, Applicant respectfully requests the withdrawal of the rejection of these claims as well.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-24. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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